

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

TIFFANY MIRANDA and
BENJAMIN MIRANDA,

Plaintiffs

v.

A.C. MOORE ARTS & CRAFTS, INC.
Defendant.

Civil Action No.
04-11337-EFH
BBO#554526
BBO#657559

**MOTION FOR TIME TO FILE AN OPPOSITION TO PLAINTIFFS' MOTION
FOR RECONSIDERATION**

Here comes the defendant, A.C. Moore Arts & Crafts, Inc. ("A.C. Moore") and respectfully requests that this Court grant it additional time, until December 1, 2004, to submit opposition to plaintiffs' Motion To Reconsider Case Dismissal of the Court's October 21, 2004 dismissal of the case. In support of the defendant's motion, A.C. Moore states that its first appearance in this action was on November 23, 2004 at which time it made a limited appearance in conjunction with this motion to the Court. Contrary to the assertions made by the plaintiffs in their motion for reconsideration, the defendant claims that it was not properly served with a complaint and therefore has not submitted an answer. Defendant was also not served with a copy of the pending motion.

Defendant only became aware of the plaintiffs' current motion on November 19, 2004 after checking the Court's docket via the on-line PACER program at the request of the defendant's insurer. The defendant's insurer had asked counsel to check on whether the plaintiffs had attempted to take any action in light of the expiration of the statute of limitations and their failure to serve the defendant. Due to the plaintiffs' failure to

properly serve its pleadings or any related papers on the defendant, A.C. Moore should be afforded an opportunity to defend itself against plaintiffs' current motion.

Accordingly, the defendant respectfully requests that this Court grant it additional time, until December 1, 2004, to respond to plaintiffs' motion that is presently before the Court.

BY ITS ATTORNEYS,

/s/ Mathew P. Barry

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